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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 NEWPORT YACHT CLUB, a
11 Washington nonprofit corporation,
12 individually and on behalf of its members;
13 WILLIAM S. WEINSTEIN and LEANNE
14 C. WEINSTEIN, and their marital
community,

15 Plaintiff,

16 v.

17 THE CITY OF BELLEVUE, a
18 Washington municipal corporation,

19 Defendant.

CASE NO. C09-0589-MJP

ORDER ON DEFENDANT'S
MOTION IN LIMINE

20 This matter comes before the Court on Defendant City of Bellevue's motion in limine
21 requesting that the Court exclude all evidence of damages flowing from the City's actions in
22 permitting or failing to permit occupancy of the Weinsteins' house. (Dkt. No. 174.) Having
23 reviewed the motion, Plaintiffs' opposition (Dkt. No. 179), and the remaining record, the Court
24 GRANTS Defendant's motion.

1 The Court's jurisdiction in this case is limited to enforcing rights "specifically created in
2 the contract." (Dkt. No. 54 at 3.) The remaining dispute in this case is about Art. 7 of the
3 Settlement Agreement, which authorizes the Weinstens to construct one or more salmon habitat
4 enhancement projects ("SHEPs"), prohibits the City from opposing the development, and
5 requires the City to cooperate with the Weinstens in securing permits, so long as the SHEP
6 complies with applicable City Code provisions. (Dkt. No. 1, Ex. A, Art. 7.)

7 Defendant files the instant motion to block Plaintiffs from using the "association between
8 the house and the alleged SHEP to pad their damages claim by introducing evidence of alleged
9 damages that flow from the City's conduct related to the Weinstens' house, and not to the
10 SHEP." (Dkt. No. 174 at 8.) In response, Plaintiffs argue that the Weinstens "seek all damages
11 related to the salmon habitat enhancement project, whether or not some aspects of the salmon
12 habitat enhancement project also relate to the house." (Dkt. No. 179 at 7.)

13 Because the Settlement Agreement does not impose on the City any obligations related to
14 permitting the Weinstens' house, evidence related to damages flowing from the City's conduct
15 related to the house, but not the SHEP, is irrelevant. Fed. R. Evid. 401. Evidence related to
16 damages flowing from the City's conduct related to the SHEP is relevant. Id.

17 The clerk is ordered to provide copies of this order to all counsel.

18 Dated this 29th day of February, 2012.

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22 Marsha J. Pechman
23 United States District Judge
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